

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**CATERPILLAR FINANCIAL
SERVICES CORPORATION**

PLAINTIFF

VS.

CIVIL ACTION NO. 3:21-cv-221-NBB-JMV

MARK A. ALLEN

DEFENDANT

ORDER AND DEFAULT JUDGMENT

Caterpillar Financial Services Corporation ("Cat Financial") filed its Complaint [Doc. 1] in this Court on October 15, 2021, against Mark A. Allen, ("Defendant") premising jurisdiction on diversity of citizenship. Cat Financial alleges that Defendant entered into a sales contract with Cat Financial for certain equipment, and that Defendant failed to pay for the equipment under the terms of the agreement. In its Complaint, Cat Financial seeks the immediate return of the equipment, damages for breach of contract, the recovery of any deficiency between the resale or lease of the equipment and the principal balance owed by Defendant, and attorney's fees, costs, interest, and expenses.

Defendant failed to answer, and the Clerk of Court entered a default against him on January 11, 2022 [Doc. 7]. On January 12, 2022, Cat Financial filed a Motion for Default Judgment [Doc. 8], which is presently before the Court for consideration. In that Motion, Cat Financial requests that the Court enter a judgment against Defendant in the amount of \$117,094.04 and \$341.62 in per diems that have accrued since the filing of the motion, bringing the total judgment amount to \$117,435.66. That amount is based on the amount owed at the time the Complaint was filed, the per diem, and fees and expenses that have now been added. Cat Financial further requests that the Court order Defendant to return all of the equipment within

seven business days. Cat Financial states that upon repossession and sale of the equipment it will credit the Defendant for the amount of the sale and update the judgment roll accordingly.

It appears that all of the procedural requirements for an entry of default judgment have been met. The Court enters this DEFAULT JUDGMENT in Caterpillar Financial Services Corporation's favor, for the amount of \$117,435.66 and ORDERS Defendant to return the subject equipment, or to allow the Plaintiff to access the equipment to retake possession, within seven days of the entry of this Order and Judgment. Further, from the date of entry of this order, until such time as the equipment is returned, the Defendants' obligations shall continue to increase and accrue in the amount of \$5.89 each day. This CASE is CLOSED, but the Court retains jurisdiction for purposes of modifying and enforcing the default judgment as necessary.

It is SO ORDERED, on this the 6th day of April, 2022.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE

Submitted By:

s/D. Sterling Kidd

Attorney for the Plaintiff